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Attorney for Plaintiff

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 LARA WARD, An Individual)

CASE NO. **2:17-cv-03029** -JAD-NJK

9)
10 Plaintiff,)

11 vs.)

ECF No. 39

12 STATE OF NEVADA, ex rel. its BOARD)

13 OF MEDICAL EXAMINERS, DON)

ANDREAS, an Individual, PAMELA)

14 CASTAGNOLA, an Individual, KIM)

FRIEDMAN, an Individual, KATI)

15 PAYTON, an Individual, TODD RICH,)

an Individual AND EDWARD)

16 COUSINEAU, an Individual; DOES I-X.)

17 Defendants.)
18)

19 **STIPULATION AND ORDER RESOLVING PENDING MOTIONS AND AGREEING**
20 **TO FILE A FIRST AMENDED COMPLAINT**
21 **(SECOND REQUEST)**

22 COMES NOW, the Plaintiff, LARA WARD ("Ward"), by and through her attorney,
23 JENNY L. FOLEY, Ph.D., ESQ., of the law firm HKM EMPLOYMENT ATTORNEYS LLP,
24 and Defendants, STATE OF NEVADA, ex rel. its BOARD OF MEDICAL EXAMINERS,
25 PAMELA CASTAGNOLA, KIM FRIEDMAN, KATI PAYTON, and EDWARD
26 COUSINEAU, by and through their attorney, S. BRETT SUTTON, ESQ., of SUTTON
27 HAGUE LAW CORPORATION, P.C., hereby stipulate and agree as follows:

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1 WHEREAS, on or about January 4, 2018, Defendants filed a Motion to Dismiss, Motion
2 to Strike Scandalous Matter and Motion for a More Definite Statement (collectively “the
3 Motions” or “Motions”);

4 WHEREAS, the Parties met and conferred extensively with respect to the Motions, and
5 Plaintiff agreed to file a First Amended Complaint addressing, at least in part, certain of the
6 concerns raised by Defendants’ Motions to the satisfaction of all counsel without waiving any
7 rights;

8 WHEREAS, on or about February 5, 2018, the Court entered the Parties’ Joint
9 Stipulation and Order concerning the First Amended Complaint by which the Parties agreed,
10 and the Court ordered, that Plaintiff provide a copy of the Proposed Amended Complaint to
11 Defendants’ counsel not later than February 12, 2018 for the purposes of discussing any dispute
12 related to the Proposed Amended Complaint before requesting a hearing date on Defendants’
13 Motions, such that Plaintiff would be in a position to file a First Amended Complaint not later
14 than February 28, 2018 after meeting and conferring with Defendants;

15 WHEREAS, Defendants did not receive a copy of Plaintiff’s Proposed First Amended
16 Complaint until February 26, 2018, and as such have not yet had the opportunity to fully meet
17 and confer with Plaintiff about the changes to the Proposed First Amended Complaint, about
18 which Defendants still have serious concerns;

19 THEREFORE, based on all of the foregoing, the Parties jointly stipulate and
20 respectfully request that the Court issue an Order as follows:

21 1. Since a continuing dispute exists and both the parties are working on a
22 resolution, it has been agreed to stipulate that the new file date shall be from two weeks from
23 the date of February 28, 2018. That the Plaintiff shall file a First Amended Complaint not later
24 than March 14, 2018, which will:

- 25 a. List and separately allege each cause of action against each Defendant and
26 will note, in what capacity each Defendant is being sued for each cause of
27 action;

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- b. List the factual predicates of each cause of action in accordance with general rules of pleading;
 - c. Remove the allegations in paragraph 72 a-z of the Complaint;
 - d. Remove the causes of action under NRS and for Negligent Hiring/Supervision.
2. Parties agree to discuss any unresolved issues with respect to the Proposed First Amended Complaint prior to requesting a hearing date on Defendants' Motions or filing further responsive motions regarding the same.

Dated this 27th day of February, 2018.

Dated this 27th day of February, 2018.

HKM Employment Attorneys LLP

Sutton Hague Law Corporation P.C.

/s/ Jenny L. Foley
Jenny L. Foley, Esq.
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Las Vegas, Nevada 89104
Attorney for Plaintiff

/s/ Jared Hague
Jared Hague, Esq.
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Attorney for Defendants

IT IS SO ORDERED.



U.S. District Judge Jennifer Dorsey
March 7, 2018